

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE**

Sean O'Donnell

v.

Civil No. 04-cv-175-JM

Jean McCausland, LLC, Owner of  
F/V Jean McCausland Shafmaster  
Fleet Services, Inc. and  
Lordco Pier Associates

**O R D E R**

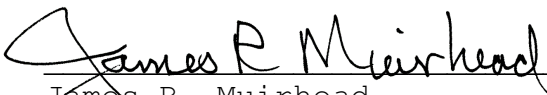
On July 29, 2005, fifteen days after defense counsel for Shafmaster Fleet Services, Inc. and Lordco Pier Associates produced the lease and its amendments to plaintiff's counsel, a motion to add two additional Shafmaster-controlled dock tenants was filed. The motion is within the statute of limitations. Defendant objects because plaintiff never sought the lease from Lordco earlier than late spring of 2005. However, the lease was clearly requested of defense counsel's other client, Shafmaster Fleet Services, Inc., by document request of January 10, 2003.

The court accepts that defense counsel's error in its document production in 2003 was a good-faith oversight. However, given the clarity of the request, the commonality of ownership of defendants, the commonality of defense counsel and the commonality of the insurer, there is no prejudice to defendants

to grant the motion. Under the same circumstances it would be an injustice to deny plaintiff the right to claim against all potential defendants.

The motion (document no. 62) is granted. Plaintiff is to make prompt service. The trial is continued. A further pretrial will be scheduled immediately upon service of the amended complaint and a trial will be scheduled for the earliest date possible consistent with fairness to the new defendants.

**SO ORDERED.**

  
James R. Muirhead  
United States Magistrate Judge

Date: August 16, 2005

cc: Paula J. Clifford, Esq.  
Christine Friedman, Esq.  
David B. Kaplan, Esq.  
Francis X. Quinn, Jr., Esq.  
William H. Welte, Esq.